

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

|                          |   |                |
|--------------------------|---|----------------|
| UNITED STATES OF AMERICA | ) |                |
|                          | ) |                |
| v.                       | ) | NO. 2:03-CR-97 |
|                          | ) |                |
| LESTER EUGENE HARMON     | ) |                |

**ORDER**

This criminal matter is before the Court to address the defendant's objections to the calculation of the amount of loss used to determine his guideline range and his objection to the calculation of restitution in this case. After careful consideration of the testimony of witnesses at trial, trial exhibits, the testimony of witnesses at the sentencing hearing in this case, the figures submitted on the Victim Restitution form, as well as the exhibits filed at the sentencing hearing, the Court FINDS as follows:

**AMOUNT OF THE LOSS:**

|                           |   |           |
|---------------------------|---|-----------|
| 1. Value of the logs      | 3,215.75                                  |           |
| 2. Value of the truck     | 5,000.00                                  |           |
| 3. 17 inch Auger          | 1,600.00                                  |           |
| 4. 8 inch Auger           | 800.00                                    |           |
| 5. Tamper                 | 750.00                                    |           |
| 6. Shovels, chains, misc. | 200.00                                    |           |
| 7. Work bucket            | 700.00                                    |           |
|                           |   |           |
| TOTAL                     | <hr style="width:100px; margin-left:0;"/> | 11,365.75 |

Therefore, the amount of the loss was more than \$10,000.00 and a four-level increase was appropriate and the defendant's objections in regard to the calculation of his guideline range are **OVERRULED**.

### **RESTITUTION**

The truck and logs in this case were recovered. Therefore, no restitution will be assessed in regard to the truck, except for repairs, and the only restitution that may be assessed in regard to the logs will only be any difference between \$3,215.75 and the amount that the Forestry Service obtains from the sale of the logs. The judgment in this cause will be amended to reflect any difference in amount if and when the government notifies the Court that there was a deficit from the sale of the logs.

However, the Court will assess restitution in regard to the following:

|                           |                  |
|---------------------------|------------------|
| 1. 17 inch Auger          | 1,600.00         |
| 2. 8 inch Auger           | 800.00           |
| 3. Tamper                 | 750.00           |
| 4. Shovels, chains, misc. | 200.00           |
| 5. Work bucket            | 700.00           |
| 6. Paint on truck         | 1,000.00         |
| 7. Repair of mirrors      | 125.00           |
| 8. Repair of turn signals | 200.00           |
| TOTAL                     | <hr/> \$5,375.00 |

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE